

12

MS#304047.01 (5226)  
PATENT**REMARKS**

Applicants have thoroughly considered the May 12, 2005 Office action and respectfully request reconsideration of the application as amended. The specification has been amended to correct minor errors and to remove hyperlinks or browser-executable codes in the specification pursuant to MPEP §608.01. By this Amendment, claims 1-27 have been amended to more clearly set forth the invention. Claims 1-27 are presented in the application for further examination. Applicants respectfully request reconsideration of the application in light of the amendments and following remarks.

*Rejection under 35 U.S.C. §101*

Claims 1-4, 6-9, 11-14, 16-18, 20-22, and 24-26 stand rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicants respectfully disagree. Applicants assert that the invention as claimed is not merely an abstract idea that is not tied to a technological art, environment or machine. In fact, embodiments of the invention produce a concrete, useful, and tangible result, namely, a rights management protected electronic document. In this instance, an administrator may automatically update a rights management protected message or document without requiring each user to identify and configure the rights management protections for the messages or documents every time a message or document is sent. (See also, Application, paragraphs [0006]-[0009]). Nonetheless, Applicants have amended the rejected claims to recite the use of a computer in performing the claimed methods. As such, Applicants respectfully request the rejection of claims 1-4, 6-9, 11-14, 16-18, 20-22, and 24-26 under 35 U.S.C. §101 be withdrawn.

*Rejection under 35 U.S.C. §102(b)*

Claims 1, 3-6, 8-11, and 13-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Donohue, U.S. Patent No. 6,202,207 ("Donohue").

With respect to claim 1, Applicants respectfully disagree with the interpretation of the Donohue reference set forth in the Office action and argue that this reference fails to teach or suggest each and every feature of the claim.

Amended claim 1 recites, in part:

"accepting the electronic document; identifying one or more rights management protections associated with the electronic document. . . ; determining whether the electronic document has exceeded the rights management protections; and, if the electronic document has exceeded rights management protections, replacing a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is unavailable."

Embodiments of the invention provide a method for automatically updating a rights management protected message such that a user does not need to configure or set up a rights management protection for each message (e.g., an e-mail message or other electronic document) when sending it to a recipient. In addition, embodiments of the invention provide replacing a portion of the content of the message when it is determined that the content has exceeded the rights management protection. For example, the user may define a time period after which the message may not be available for viewing. As such, aspects of the invention identify one or more rights management protections (e.g., an expiration time period) associated with the electronic document. It is next determined whether the document has exceeded the rights management protections. If it is determined that the document has exceeded the rights management protections (e.g., the recipient attempts to view the message after the expiration), a portion of the content is updated with an indicating piece of data, such as a note stating that the rights management protected content of the message has expired. (See also, Application, paragraphs [0040-44]).

In contrast, the Donohue reference fails to teach or suggest at least the features of identifying, determining, and replacing the content having the rights management protections because it merely teaches automatic updating of computer programs and synchronizing updates of computer programs and their pre-requisite programs to maintain interoperability. The Donohue reference discloses comparing available software updates and installed software on local computer system to identify which updates are relevant to the installed computers. After determining the relevant update criteria, the updates are automatically downloaded and applied to the software on the local computer system. Not only is the Donohue reference inapposite, it also teaches away from the present invention by making the updated computer programs available to the user after applying the updates to the computer programs. In other words, the Donohue reference makes a previously installed computer programs available after the update.

In contrast to the cited art, embodiments of the invention make the content of the document unavailable after it is determined that the document has exceeded the rights management protections. For example, a previously protected message is no longer available to the intended recipient or other users after the expiration of the previously defined time period.

Therefore, because the Donohue reference fails to anticipate at least the features of identifying, determining, and replacing, Applicants respectfully request the rejection of claim 1 and its dependent claims 2-4 under 35 U.S.C. §102(b) be withdrawn.

Similarly, claims 5, 6, 11, and 16 were rejected for the reason set forth in the rejection of claim 1 in the Office action. In this regard, amended claims 5, 6, 11, and 16 recite new features including **identifying one or more rights management protections** associated with the electronic document and updating the document (i.e., replacing a portion of the content of the electronic document with an indicating piece of data or deleting the content) **such that the content of the electronic document is unavailable**. Therefore, Applicants believe claims 5, 6, 11, and 16, and their corresponding dependent claims are also patentable over the cited art. Hence, the rejections of claims 5-9, 11-14, and 16-18 should be withdrawn.

Amended independent claim 6 recites, in part, **"identifying one or more rights management protections** associated with the electronic document, said rights management protections **defining an expiration** according to the persisted policy scheme . . . ; and if the electronic document has exceeded the expiration of the rights management protections, deleting the content of the electronic document **such that the content of the electronic document is unavailable**". The Donohue reference is silent as to identifying rights management protections and teaches away from the embodiments of the invention by making updated computer program available after the update/upgrade, even after the out-dated content of the computer program is removed. As such, Applicants argue that the Donohue reference cannot anticipate embodiments of the invention as recited by amended claim 6. Claims 10, 20, and 23, which were rejected on the same basis as claim 6, recite similar features and, for at least the same reasons of claim 6, are patentable over the cited art. Therefore, rejections of claims 6-10, and 20-23 should be withdrawn.

Amended independent claim 11 recites similar elements including, **"identifying one or more rights management protections"** and **"if the electronic document has exceeded rights management protections, replacing a portion of the content of the electronic document with a**

refreshed copy of the portion of the content of the electronic document **such that the electronic document maintains the rights management protections.**" The Donohue reference merely suggests that locally installed computer programs are compared with available relevant update criteria before installing the updates. (Donohue, col. 5, lines 54-62). In addition, the Donohue teaches away from the present invention by disclosing that "the update criteria can be associated with the products' licensing terms and conditions." (Donohue, col. 5, lines 40-42). In other words, if the user's computer program satisfies the products' licensing terms and conditions, updates will be available to the user's computer program. In contrast, embodiments of the invention, as recited in amended claim 11, set forth that if the content has exceeded (not satisfied) the rights management protections, a refreshed copy replaces a portion of the content of the electronic document to maintain the rights management protections. Therefore, Applicants respectfully argue that the Donohue reference fails to anticipate each and every element of amended claim 11. Claims 15, 24, and 27 stand rejected on the same basis as claim 11. In light of the foregoing, claims 11, 15, 24, and 27, as well as their corresponding dependent claims, are believed to be patentable over the cited art. Therefore, Applicants respectfully request the rejections of claims 11-15 and 24-27 be withdrawn.

*Rejection under 35 U.S.C. §103(a)*

Claims 2, 7, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Donohue reference and the Official Notice of email ("Official notice"). For at least the reasons above, Applicants respectfully disagree and argue that the combined reference of the Donohue reference and the Official Notice fails to teach each and every element of the invention. In addition, Applicants argue that the combination of the Donohue reference and the Official notice does not teach that the availability of the content of the electronic document depends on the rights management protections. In fact, the combined references would automatically update an electronic mail without a user's control ("The user does not need to know where software updates come from, how to obtain them or how to install them . . . ." Donohue, col. 5, 45-47). After such an update, the electronic mail would be available with updated information. It would render the combined reference inoperable and irrelevant to the invention because the electronic mail message would be updated (e.g., at a time interval, such as hourly, daily, weekly, monthly or the like) without the user knowing when and how the updates occurred.

In addition to at least the reasons above, embodiments of the present invention discloses that "accepting the electronic document" and "identifying one or more rights management protections associated with the electronic document." The rights management protections include, for example, control parameters such as no printing, permitted number of copies, message viewable time duration, or the like, to determine the availability of the content of the electronic document. (See also, Application, paragraph [0002]). With such rights management protections, the content of an electronic mail message will be automatically updated when the protected content of the rights management protections exceeds the protections. For example, if the viewable time period of the electronic mail has expired, embodiments of the invention may make the electronic mail unavailable by updating the content with an indicative piece of data (e.g., "the protected content is no longer available for viewing"), or may delete the content. Alternatively, aspects of the invention may make the content available by updating the content with a refreshed copy of the content having the rights management protections. Because the combined reference fails to teach or suggest each and every element of the invention, Applicants argue that the Examiner fails to establish the *prima facie* elements of an obviousness rejection. Therefore, the rejection of claims 2, 7, and 12 under 35 U.S.C. §103(a) should be withdrawn.

#### SUMMARY AND CONCLUDING REMARKS

In view of the foregoing, applicants submit that amended independent claims 1-27 are allowable over the cited art.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

**The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.**

17

MS#304047.01 (5226)  
PATENT

The Commissioner is hereby authorized to charge \$120.00 for a one (1) month extension of time up to September 12, 2005 to the Deposit Account No. 19-1345. If, however, the Commissioner determines otherwise, other deficient fees may be charged during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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